

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 29

Filed: June 21, 2006

Board of Patent Appeals and Interferences
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

Olympus Optical Co., LTD.,
Junior Party
(Patents: 6,195,207; 6,317,267 & 5,875,056
Named Inventor: Koichi Takahashi)

v.

Canon Kabushiki Kaisha,
Senior Party
(Application 09/511,243
Named Inventors: Shoichi Yamazaki and Takeshi Nishimura).

Patent Interference No. 105,343 (RES)
(Technology Center 2800)

Before: SCHAFER, MOORE and NAGUMO, Administrative Patent Judges.
SCHAFER, Administrative Patent Judge.

Judgment - Request for Adverse - Bd.R. 127(b)

Olympus has requested entry of adverse judgment with respect to the subject matter of
the Count. Paper 28.

Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 3) is awarded against the junior party, Olympus Optical Co., LTD. (Patents 6,195,207; 6,317,267 and 5,875,056);

FURTHER ORDERED that junior party, Olympus Optical Co., LTD., is not entitled to a patent containing Claims 1-11 of Patent 6,317,267; Claims 1, 2 and 8-14 of Patent 6,195,207; and Claims 1, 3-10, 14-15, 17/10, 17/14-15, 18/5-7, 18/10, 18/14-15, 19/5-7, 19/10, 19/14-15, 20/5-7, 20/10, 20/14-15, 21/5-7, 21/10, 21/14-15 and 22-24 of Patent 5,875,056 (all corresponding to Claim 1);

FURTHER ORDERED that a copy of this judgment be made of record in the files of U.S. Patents 6,195,207; 6,317,267 and 5,875,056 and Application 09/511,243;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

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| <u>/Richard E. Schafer/</u> |) | |
| RICHARD E. SCHAFER |) | |
| Administrative Patent Judge |) | |
| |) | |
| <u>/James T. Moore/</u> |) | BOARD OF PATENT |
| JAMES T. MOORE |) | APPEALS AND |
| Administrative Patent Judge |) | INTERFERENCES |
| |) | |
| <u>/Mark Nagumo/</u> |) | |
| MARK NAGUMO |) | |
| Administrative Patent Judge |) | |

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Subject: Interference 105343 (RES) Paper No. 29 - Judgment-Request for Adverse-Bd.R. 127(b)



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